

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -
UNITED STATES OF AMERICA

:
**PROTECTIVE
ORDER**

- v. -

: 17 Cr. 556 (ER)

GILBERT ARMENTA,

:
Defendant.

:
- - - - -
-x

WHEREAS, the United States of America seeks to provide to the defendant, in unredacted form, certain materials that contain confidential information; and

WHEREAS, the Government is willing, under the conditions set forth below, to produce such materials;

IT IS HEREBY agreed, by and between the United States of America, Audrey Strauss, Acting United States Attorney, by Christopher J. DiMase and Nicholas Folly, Assistant United States Attorneys, and defendant Gilbert Armenta, by and through his attorneys, Marc Weinstein, Esq. and Dina Hoffer, Esq., that:

1. The Government will designate and identify as "Confidential" any material containing confidential information ("Confidential Material"). The Government may also designate certain material for review only by the defendant's counsel, i.e., on an "attorneys' eyes only" basis ("AEO Material").

2. Confidential Material disclosed to the defendant or to his counsel during the course of proceedings in this action:

- (a) Shall be used by the defendant and his counsel only for purposes of the defense of this action;
- (b) Shall be maintained in a safe and secure manner solely by the defendant's counsel; shall not be possessed by the defendant, except in the presence of the defendant's counsel;¹ and shall not be disclosed in any form by the defendant or his counsel except as set forth in paragraph 2(c) below;
- (c) May be disclosed by the defendant or his counsel only to the following persons (hereinafter "Designated Persons"):
 - (i) investigative, secretarial, clerical, and paralegal student personnel employed full-time or part-time by the defendant's counsel;
 - (ii) independent expert witnesses, investigators, advisors, or litigation support service providers retained by the defendant's counsel in connection with this action;
 - (iii) such other persons as hereafter may be authorized by the Court upon motion by the defendant; and
- (d) Shall be returned to the Government following the

¹ In light of the ongoing COVID-19 pandemic, this Order contemplates the sharing of materials by defense counsel with the defendant through the use of videoconferencing software and/or other secure electronic means, so long as appropriate safeguards are in place to ensure that the defendant cannot and does not record or otherwise copy the materials and thereby take the materials into his own possession in violation of this Order.

conclusion of the trial of the above-referenced action, or upon the defendant's sentencing and the exhaustion of any and all appellate and collateral remedies, as the case may be, and any and all copies made of said Confidential Material shall be shredded, erased, and/or destroyed, as the case may be.

3. The defendant and his counsel shall provide a copy of this Order to Designated Persons to whom they disclose Confidential Material pursuant to paragraph 2(c). Prior to disclosure of Confidential Material to Designated Persons, pursuant to paragraph 2(c), any such Designated Person shall agree to be subject to the terms of this Order by signing a copy hereof and providing said copy to defendant's counsel, who shall retain it during the course of the proceeding.

4. The provisions of this Order shall not be construed as preventing the disclosure of any Confidential Material in any motion, hearing, trial, or sentencing proceeding held in connection with the above-referenced action or to any District Judge or Magistrate Judge of this Court, or any appellate court, for purposes of the above-referenced action.

5. With respect to Confidential Material, any filings with any court shall be governed by Rule 49.1 of the Federal Rules of Criminal Procedure.

6. AEO Material shall be prominently marked "Attorneys' Eyes Only." AEO Material shall not be disclosed in any form,

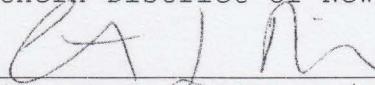
including but not limited to orally disclosing such information, to defendant Gilbert Armenta or to anyone else beyond defense counsel. If counsel for the defendant determines that the AEO Material is material and relevant to the defense of their client and requires counsel to share the information subject to this protective order with their client, counsel for the defendant reserve the right, on notice to the Government, to seek permission from the Court to do so.

Dated: New York, New York
August 21, 2020

AGREED BY:

AUDREY STRAUSS
Acting United States Attorney for the
Southern District of New York

By:


Christopher J. DiMase / Nicholas Folly
Assistant United States Attorneys

ATTORNEYS FOR DEFENDANT GILBERT ARMENTA:

Marc Weinstein / DRH
Marc Weinstein, Esq.

Dina Hoffer
Dina Hoffer, Esq.

Danya Perry
Danya Perry, Esq.

SO ORDERED:


HONORABLE EDGARDO RAMOS
UNITED STATES DISTRICT JUDGE